

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY
RE: MODIFICATION OF THE URBAN RENEWAL PLAN OF THE
FENWAY URBAN RENEWAL AREA PROJECT NO. MASS. R-115

WHEREAS, the Urban Renewal Plan for the Fenway Urban Renewal Area, Project No. Mass. R-115, was adopted by the Boston Redevelopment Authority on November 24, 1965, and approved by the City Council of the City of Boston on December 20, 1965; and

WHEREAS, Section 1201 of Chapter 12 of said Plan entitled "Modifications" provides that the Urban Renewal Plan may be modified at any time by the Boston Redevelopment Authority provided that, if the general requirements, controls and restrictions applicable to any part of the Project Area shall be modified after the lease or sale of such part, the modification must be consented to by the Redeveloper or Redevelopers of such part or their successors and assigns; provided further, that where the proposed modifications may substantially or materially alter or change the Plan, the modifications must be approved by the Boston City Council and the Division of Urban Renewal, Massachusetts Department of Community Affairs; and

WHEREAS, Section 403 of said Plan entitled "Property Designated for Acquisition Which May Not Be Acquired" provides that the Authority may acquire certain properties contained in Disposition Parcels 2, 3, 5, 9, and 11 unless the owner or owners of said properties shall, within one year of the date of the Loan and Grant Contract between the Authority and the United States for Federal Financial Assistance in the execution of the Fenway Urban Renewal Plan, submit a written proposal satisfactory to the Authority for comprehensive development of said properties in accordance with the Plan, and enter into a contract with the Authority obligating such owner or owners to undertake such comprehensive redevelopment; and

WHEREAS, the Loan and Grant Contract between the Authority and the U. S. for Federal Financial Assistance in the execution of the Fenway Urban Renewal Plan was executed December 22, 1967; and

WHEREAS, the owner of those properties designated in Section 403 of the Plan as properties designated for acquisition which may not be acquired has requested an extension of the time for execution of a contract with the Authority obligating such owner to undertake comprehensive redevelopment of said properties; and

WHEREAS, an extension of the time for execution of the contract obligating such owner to undertake comprehensive redevelopment of said properties is necessary to complete feasibility studies and other analyses of the alternative proposals for said property.

MEMORANDUM

DECEMBER 12, 1968

TO: Boston Redevelopment Authority

FROM: Hale Champion, Development Administrator

SUBJECT: MINOR MODIFICATION OF URBAN RENEWAL PLAN
FENWAY URBAN RENEWAL PROJECT (MASS. R-115)
CHRISTIAN SCIENCE CHURCH COOPERATION AGREEMENT

SUMMARY: This memorandum requests Authority approval of a minor modification of the Fenway Urban Renewal Plan to allow the Christian Science Church an extension of time to execute a Cooperation Agreement with the Authority pursuant to the terms of Section 403 of said Fenway Urban Renewal Plan.

Under the terms of the Fenway Urban Renewal Plan, Section 403, certain properties owned by the Christian Science Church are subject to conditional acquisition by the Authority. The condition allows the Church one year from the date of the Loan and Grant contract (until December 22, 1968) to submit a proposal satisfactory to the Authority for the comprehensive development of all its properties on Huntington Avenue and Massachusetts Avenue. These properties involve Disposition Parcels 2, 3, 5, 9, and 11.

The Church was reminded and formally advised of the Urban Renewal Plan's provision last March 15 and since that time has been working intermittently with our legal staff on the drafting of a Cooperation Agreement to satisfy the requirements of Section 403. Such an Agreement has yet to be finalized. In its place, the Church has submitted statements from time to time indicating, in general terms, its development progress and activities. The most concrete have been the proposal for Parcel 11 involving the Niles Company on a 500-unit apartment building, ground floor retail, and 300-car garage, and Parcel 3 involving Boise Cascade Corporation for the development of a 400-unit apartment building with ground floor retail. Both developments are proposed to be financed under FHA Sec. 220 for middle income rentals.

Since last June, we have been holding discussions with the Church to stimulate their development of more low-moderate income rental housing. As a result, the Church organized Symphony Towers Associates in an attempt to develop 221(d)(3) type rental

apartment tower on Parcels 9-7, which if successful, would be repeated on Parcels 5-6, at the intersection of Huntington and Massachusetts Avenues. In view of cost problems arising from subsoil conditions, it was agreed that the Church's developer would first undertake a feasibility study to establish the feasibility of housing under this program before tentative designation of Symphony Towers Associates as developer by the Authority. The feasibility study was originally scheduled to be completed by December. It now appears that this study will take until the end of February before final evaluation can be made.

It was our original intent that the Church execute a Cooperation Agreement with us before the December 22nd deadline covering all the above development parcels, indicating the Church's development proposals and a reasonable time schedule for the submission of the various stages of development plans.

While I feel the Church should have met this deadline, negotiations with FHA on financial feasibility and problems associated with assembling suitable development teams have taken longer than anticipated. The Church has requested a one-year extension of time to execute the Cooperation Agreement. I feel that this is unnecessarily long and recommend that the Authority extend the date for execution of the Agreement until March 1, 1969.

An appropriate Resolution is attached.

Attachment

NOW, THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That Section 403 is hereby modified by the deletion therefrom of Subparagraph (1).
2. That Section 403 is hereby modified by the addition of a new Subparagraph (1) to read as follows:

- (1) On or before March 1, 1969, the owner or owners of all such listed properties which lie within such disposition parcel shall:

- a. Submit to the Authority a written proposal satisfactory to the Authority for the comprehensive redevelopment in accordance with this Plan of all the land within such disposition parcel; and
 - b. Enter a contract with the Authority obligating such owner or owners (i) to acquire from the Authority so much of the land within such Disposition Parcel as is not so listed, and (ii) to undertake such comprehensive redevelopment;

3. That this proposed modification is found to be a minor modification which does not substantially or materially alter or change the Plan.
4. That all other provisions of said Plan not inconsistent herewith be and hereby are continued in full force and effect.
5. That this Resolution shall be effective immediately upon concurrence therein of the U. S. Department of Housing and Urban Development.